REMARKS

Claim Rejections - 35 USC § 102

Claim **7** stands as rejected under 35 USC 102(e) as being anticipated by Peters et al. (USPN 5,842,195). It is said that Peters teaches a method for collecting survey data from a user that includes, among other things, what is said to be Applicant's step 7(b) of transferring said designated questionnaire to at least one communication networked computer. Column 6, lines 40-52 of Peters are given in support. Similarly, it is said that Applicant's step (d) comprises "automatically transferring via the communication network any responses so collected to a central computer". Steps 106, 108, and 110, as well as Figure 13, of the Peters reference are given in support.

In reply, Applicant would respectfully differ with the Examiner's recitation of the limitation found in Claim **7**(b). The instant invention clearly requires the use of a loose network / loosely networked remote computing device, but the Examiner has apparently equated this concept with Peter's "communication networked computer" (page 3 of the Office Action).

Of course, this is not what Applicant has taught and claimed. More particularly, Applicant's Claim **7** requires a loosely networked computer, as that phrase is defined in the specification at, for example, paragraph [0050] of the instant application. A "communication networked computer" would not satisfy the requirement that, if a network connection is not available, the survey information will be stored until such time as a network connection becomes available. Upon establishing a connection between the remote computing device and the server, the survey data will be sent and/or questionnaire data will be received.

Additionally, it is believed that step (d), as amended, is not taught or suggested in Peters. In more particular, claim step 7(d) requires a transfer from a loosely networked computer to a central computer. Peters does not teach a loosely networked computer as has been discussed previously.

Nothing in Peters teaches Applicant's approach. As a consequence, for at least the above-identified reasons, it is believed that the instant rejection under Section 102 is improper and should be withdrawn.

Claim Rejections - 35 USC § 103

Claim **8** stands are rejected under 35 U.S.C. § 103 as being unpatentable over Peters as applied in Claim **7** above, in view of Joao (U.S. Patent App. Pub. No. 2001/0056374). It is said that with respect to Claim **8**, Peters does not explicitly show assessing a charge for each transferred response but that Joao discloses a charge for each transferred response received by the central computer. Paragraphs 0228-0037 are given in support.

As an initial matter, it should be noted that Applicant assumes that the Examiner intended to type paragraphs 0228-0237 in the Office Action. If that is not correct, Applicant would welcome an opportunity to correct the instant response.

Additionally, Claim **8**, depending as it does from an independent claim believed to be allowable, should similarly be allowable.

Further, as discussed previously, Peters does not teach or suggest the use of a loosely networked computer for purposes of collecting survey data and transmitting same back to a central computer.

As such, it is believed that for at least all the above reasons, the instant rejection under § 102 is improper and should be withdrawn.

Claims **13-14** stand as rejected under 35 U.S.C. § 103(a) as being unpatentable over Peters as applied to Claim 7 above, in view of Porter (USPN 6,163,811).

In reply, Claims **13** and **14** have been cancelled *supra*, thereby making this rejection moot.

Claim **14** stands as rejected under 35 U.S.C. § 103 as being unpatentable over Peters in view of Porter. It is said that Peters does not explicitly show where the remote computing device is a loosely networked computer, but Brookler is said to disclose wherein the remote computing device is a loosely networked computer, and Figure 3 of Brookler is given in support.

In reply, Applicant has cancelled Claim 14 *supra*, thereby making this rejection moot.

Claims 1 and **3-5** stand as rejected under 35 USC 103(a) as being unpatentable over Peters et al., USPN 5,842,195 ("Peters") in view of Porter, USPN 6,163,811 ("Porter"). It is said that Peters does not explicitly show tokenizing the questionnaire, but Porter is said to disclose this aspect. Figures (1a) through (1e) of Porter are given in support.

In Examiner's paragraph 13 page 6, it is said that "Lew teaches...". It is assumed that this is a typographic error and that "Peters" should have been written instead.

With respect to Claim **1**, It is said that Peters teaches creating a questionnaire includes each step of Applicant's Claim **1** except that Peters does not show tokenizing said questionnaire. It is further said that Porter suggests such tokenization for reducing bandwidth requirements,

with Figures 1A-C given in support. It is said then that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Peters in view of Porter by tokenizing the questionnaire to reduce bandwidth requirements.

In reply, Applicant believes that, for at least the reasons identified above, the instant claim as-amended is distinguishable over the prior art and should be allowed. More particularly, Peters/Porter does not teach or suggest a method that requires establishing a network connection, transmitting tokens to a remote computing device, terminating the connection, executing at least a portion of the tokens after terminating the network connection to collect a response from a user, establishing a network connection, transmitting at least a portion of the user's response to a server. Applicant's approach as recited in Claim **1** as-amended is one that is designed to operate without a network connection. This approach is not taught or suggested in Peters/Porter as has been discussed previously.

As such, for at least the above-identified reasons, it is believed that Claim **1,** as-amended, is in condition for allowance and the instant rejection should be withdrawn.

With respect to Claim **3**, it is said that Peters further teaches wherein step (a) includes the substeps of entering a series of questions into a questionnaire design computer program, identifying the type of response for each question, and identifying a branching path in said questionnaire for each possible response. Peters at col. 5, line 49 though col. 6, line 30 [fig. 1 and 13] is given in support.

In reply, it is believed that Claim **3**, depending as it does on a claim that is believed to be allowable, is similarly allowable. In more particular, nothing in Peters or Porter (alone or in

combination) teaches Applicant's approach of using a loosely networked remote device which is not in electronic in conjunction with a questionnaire that utilizes a branching path.

Thus, for at least the reasons identified above, it is believed that the instant rejection of Claim **3** is improper and should be withdrawn.

With respect to Claim **4**, it is said that Peters does not explicitly show assigning at least one token to each question, assigning at least one token to each response, and assigning at least one token to each branch to identify the required program control associated with each branch. But, that Porter suggests tokenizing the questionnaire for reducing the bandwidth requirement.

In reply, for at least the reasons identified above – and further in view of the fact that this claim is dependent from a claim believed to be allowable – it is believed that the instant rejection is improper and should be withdrawn. More particularly, nothing in Peters / Porter suggests Applicant's approach of assigning tokens to each question, to each response, and to each branch in a questionnaire, wherein the remote device on which the user's responses will be collected is a loosely networked computer and wherein the remote device is removed from the network before acquiring responses from a user.

Thus, for at least the reasons identified above, it is believed that the instant rejection of Claim **4** is improper and should be withdrawn.

With respect to Claim **5**, it is said that Peters does not explicitly show wherein the transmission of said tokens in step (c) occurs via the network of step (e).

In reply, Claim **5** was cancelled *supra*, thereby making this rejection moot.

Claims **2** and **12** stand as rejected under 35 USC 103(a0 as being unpatentable over Peters in view of Porter as applied to Claim **1** above, and further in view of Brookler et a. (US Patent Publication No. 2002/0007303, "Brookler").

With respect to Claim **2**, it is said that Peters does not explicitly show the step of (g) translating said response to a format recognizable by a particular computer program and (h) accessing the translated response from a computer executing said particular computer program.

In reply, for at least the reasons identified above it is believed that the instant claim, depending as it does from a claim believed to be allowable, is similarly allowable. Further, neither Peters, Porter, nor Brookler – individually or in combination – teaches Applicant's approach of transmitting a questionnaire to a remote device, terminating the network connection, acquiring a user response using the transmitted questionnaire, establishing a second network connection, and, transmitting the response back to a server where it can be translated into a format recognizable by a particular computer program.

As such, it is believed that the instant rejection of Claim **2** has been overcome and should be withdrawn.

With respect to Claim **12**, it is said that Peters does not explicitly show wherein said remote computing device is a loosely networked computer.

In reply, Claim **12** has been cancelled by amendment *supra*, thereby making this rejection moot.

Turning next to Claims **6**, and **9-11**, it is said that these claims stand as rejected as being unpatentable over Brookler in view of Gresham et al. US Patent App 2002/0160773.

With respect to Claims **6** and **9**, it is said that Brookler teaches a method for managing data transfer between computers including each of Applicant's steps (a) through (e). However, it is said that Brookler does not explicitly show modifying with incremental changes. Gresham is cited for that component.

In reply, Claim **6** depends from a claim believed to be allowable and, as such, is similarly believed to be allowable. In more particular and with respect to both Claims **6** and **9**, neither Brookler nor Greshem, alone or in combination, teach Applicant's approach which involves putting a remote computer in electronic communication with a server, transmitting a tokenized questionnaire to the remote computer, terminating the connection, collecting user a user response, establishing a second network connection, and transmitting an incremental change to the remote computer, terminating the connection, collecting an additional user response and transmitting any user responses to a server. Claim **9** additionally requires collecting at least one additional user response using the modified questionnaire.

Nothing in the above-identified references suggests this approach. As such, it is believed that Claims **6** (depending from as-amended Claim **1**) and **9** are in condition for allowance and that the instant rejection should be withdrawn.

Turning next to Claim **10**, it is said that Brookler further teaches wherein said first site and said third site are the same. Figure **1** of Brookler is given in support.

In reply, Applicant would reiterate the distinction presented above regarding the use of a loosely networked device wherein user responses are collected after the network connection is terminated and then later transmitted after communications are established again. Further, and as is required by Claim **9** as-amended, an incremental update will be transmitted, the questionnaire

updated within the mobile device, the network connection terminated, the questionnaire updated, and an additional user response collected. Finally, note that Claim **10** has been amended to require that the first and second computers be the same.

As such, it is believed that for at least the reasons identified above that Claim **10,** as-amended, is in condition for allowance and the instant rejection should be withdrawn.

Turning next to Claim **11**, it is said that Brookler further teaches wherein said third site is at said remote computer. Figure **1** of Brookler is given in support.

In reply, note that Claim **11** as-amended requires that the server and the first computer be the same computer. Applicant would reiterate the distinction presented above regarding the use of a loosely networked device wherein user responses are collected after the network connection is terminated and then later transmitted after communications are established again. Further, and as is required by Claim **9** as-amended, an incremental update will be transmitted, the questionnaire updated within the mobile device, the network connection terminated, the questionnaire updated, and an additional user response collected. Further, nothing in Brookler suggests the foregoing sort of arrangement, where the first computer and said server are the same computer.

As such, it is believed that for at least the reasons identified above that Claim **11** is in condition for allowance and the instant rejection should be withdrawn.

Turning next to Claims **15-16**, these claims stand as rejected under 35 USC 103(a) as being unpatentable over Brookler in view of Gresham as applied in Claim **9**, in view of Porter (USPN 6,163,811, "Porter"). It is further said that Brookler does not explicitly show tokenizing

said designed questionnaire, thereby producing a plurality of tokens representing said questionnaire.
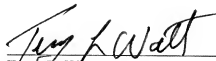
In reply, these two claims have been cancelled, thereby making this rejection moot.

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This paper is intended to constitute a complete response to the Examiner's Office Action. Please contact the undersigned if it appears that a portion of this response is missing or if there remain any additional matters to resolve. If the Examiner feels that processing of the application can be expedited in any respect by a personal conference, please consider this an invitation to contact the undersigned by phone.

Respectfully submitted,

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